

**SEPTEMBER 2003 AGENDA**

SUBJECT	X	ACTION
	X	INFORMATION
		PUBLIC HEARING
<i>No Child Left Behind Act of 2001</i> - Supplemental Educational Service Providers – Adopt Proposed Title 5 Regulations		

Recommendation:

Consider comments received during the public comment period and at the public hearing and take action to adopt the regulations.

Summary of Previous State Board of Education Discussion and Action

At the May 2003 State Board of Education (SBE) meeting, the Board took action to approve the proposed emergency regulations on supplemental educational services. The Board directed that, after the 45-day public review period, the public hearing be conducted by staff, with an audiotape of the proceeding and a staff-prepared summary and response to comments received be submitted to the Board. The public hearing was held on August 20, 2003.

Summary of Key Issue(s)

Supplemental educational services to low-achieving, low-income students are required by Section 1116(e) of the No Child Left Behind (NCLB) Act of 2001. The proposed regulations define “a demonstrated record of effectiveness in increasing the academic proficiency of students in subjects relevant to meeting the state academic content standards and student achievement standards”(Section 1116(e)(4)(b)).

Fiscal Analysis (as appropriate)

None

Attachment(s)

Attachment 1 [Proposed Regulations \(Pages 1-2\) can be found on the following Web site www.cde.ca.gov/regulations](http://www.cde.ca.gov/regulations)

Attachment 2 [Summary of Written and Public Hearing Comments \(Page 1 of 1\)](#)

Title 5. EDUCATION

Division 1. State Department of Education

Chapter 12. Compensatory Education

Subchapter 13. Supplemental Services

§13075. Definition of a “demonstrated record of effectiveness” for providers of supplemental services who are approved by the SBE.

(a) For purposes of demonstrating a record of effectiveness for placement on the list of approved supplemental services providers, STAR data are required. Until such time as STAR data are available, a provider shall be deemed provisional.

(b) An application, completed per the Supplemental Educational Services Provider Request for Application (Rev. 5/2003), which is incorporated by reference, is required of each new provider in each of the first two-years of service.

(c) A provisionally-approved provider of supplemental educational services has met the definition of a demonstrated record of effectiveness when:

(1) the provider demonstrates the ability to provide effective services by meeting all the federal requirements including the following criteria:

(A) Ensure that programs offered are of high quality, research-based, and specifically designed to increase the academic achievement of eligible children on the assessment instruments required under ESEA Section 1111 (20 U.S.C. section 6316(e)(1)) and attain proficiency in meeting the State's academic achievement standards.

(B) Ensure that supplemental educational services are coordinated with the student's school program.

(C) Ensure that the instruction and content provided are aligned with state-adopted curriculum content standards and instructional materials and aligned with state and local assessments.

(D) Ensure that all instruction and content are secular, neutral, and non-ideological.

(E) Provide evidence of recent (within the past 2 years) successful experience in improving student achievement. (If the student population served by the provider is composed in part of English learners, the provider must demonstrate experience in improving the student achievement of English learners.)

1 (F) Meet all applicable federal, state, and local health, safety, and civil rights laws.

2 (G) Have knowledge of the state-adopted content standards, frameworks, and
3 instructional materials.

4 (H) Be capable of providing appropriate services to eligible students based on individual
5 needs consistent with the instructional program of the LEA and the state-adopted standards,
6 frameworks, and instructional materials.

7 (I) Be financially sound.

8 (J) Guarantee that all staff working with students and their parents undergo and pass
9 background checks as required by the local contracting school district.

10 (K) Abide by the conditions of the contract with the LEA.

11 (2) And, by the end of the second year of provisional approval, ninety-five percent of
12 eligible students receiving services have made increases in academic proficiency at a level
13 articulated in the supplemental educational services contract and as measured by the STAR.

14 NOTE: Authority cited: Section 33031, Education Code. Reference: 20 United States Code
15 section 6316(e)(1) and Section 12000, Education Code.

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State Board of Education
September 2003

Supplemental Educational Service Regulations

Summary of Written and Public Hearing Comments

As of August 21, 2003, no written comments have been received. Additionally there were no public comments received at the public hearing held on August 20, 2003.